

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GENERAL HOSPITAL
CORPORATION and
DANA-FARBER CANCER
INSTITUTE, INC.,

Plaintiffs,

v.

ESOTERIX GENETIC
LABORATORIES, LLC and
LABORATORY CORPORATION
OF AMERICA HOLDINGS,

Defendants.

C.A. No. 1:18-cv-11360-IT

ASSENTED-TO MOTION TO RESCHEDULE MOTION HEARING

The plaintiffs The General Hospital Corporation and Dana-Farber Cancer Institute, Inc., with the assent of counsel for the defendants Esoterix Genetic Laboratories, LLC and Laboratory Corporation of America Holdings (a/k/a Laboratory Corporation of America), hereby respectfully request that the Court reschedule the Motion Hearing set for this afternoon, November 30, 2018 to December 13, December 14 or the afternoon of December 21, 2018, or some other date convenient to the Court, for the reason set forth below. In support of their motion, counsel for the plaintiffs states as follows:

1. A hearing is set for this afternoon, November 30, 2018, on the defendants' Motion to Dismiss and the plaintiffs' Cross-Motion for Partial Summary Judgment.
2. Lead counsel for the plaintiffs, Douglas J. Nash, was traveling to Boston yesterday for the hearing today and has been hospitalized due to some complications from a procedure he had before the Thanksgiving holiday.

3. Counsel for the plaintiffs, Carolyn A. Marcotte, spoke with counsel for the defendants last night. Counsel for the defendants cancelled their travel plans to Boston for today's hearing and have assented to the request to reschedule the motion hearing in light of the foregoing issue.

4. Counsel for the parties request a new date convenient to the Court and propose the following dates for the Court's consideration – December 13, December 14 and the afternoon of December 21.

5. It is in the interests of justice that this motion be allowed.

WHEREFORE, the plaintiffs, with the assent of counsel for the defendants, respectfully request that this Court grant their Motion to Reschedule Motion Hearing, and that the Motion Hearing be rescheduled to a date and time convenient to the Court.

Respectfully submitted,
Plaintiffs,
THE GENERAL HOSPITAL
CORPORATION and
DANA-FARBER CANCER
INSTITUTE, INC.
By their attorneys,

/s/ Carolyn A. Marcotte
Douglas J. Nash (BBO# 633050)
Carolyn A. Marcotte (BBO# 663616)
Barclay Damon LLP
One Financial Center, Suite 1701
Boston, MA 02111
(617) 274-2900
dnash@barclaydamon.com
cmarcotte@barclaydamon.com

Assented-To,
Defendants,
ESOTERIX GENETIC LABORATORIES,
LLC and LABORATORY CORPORATION
OF AMERICA HOLDINGS,

By their attorneys,

/s/ Jaclyn Metzinger
James M. Campbell (BBO# 541882)
Christopher R. Howe (BBO# 652445)
Campbell Campbell Edwards & Conroy, P.C.
One Constitution Center, 3rd Floor
Boston, MA 02129
(617) 241-3041
jmcampbell@campbell-trial-lawyers.com
chowe@campbell-trial-lawyers.com

Robert I. Steiner (admitted *pro hac vice*)
Jaclyn M. Metzinger (admitted *pro hac vice*)
Kelley Drye & Warren LLP
101 Park Avenue
New York, NY 10178
(212) 808-7800
rsteiner@kelleydrye.com
jmetzinger@kelleydrye.com

Dated: November 30, 2018

CERTIFICATE OF SERVICE

I, Carolyn A. Marcotte, certify that on November 30, 2018, this Assented-To Motion filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to the non-registered participants.

/s/ Carolyn A. Marcotte

Carolyn A. Marcotte